

Application Serial No. 09/777,750  
Customer No.: 26021  
Reply to Office Action of 09/25/03

PATENT  
1888-174 (81841.0045)

REMARKS/ARGUMENTS

Claim 10 is canceled without prejudice. Claims 1, 11, 12, and 15 are amended. Claims 1-9 and 12-35 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim Rejection Under 35 U.S.C. § 112

Claim 15 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular, claim 15 is rejected because the term "the scoopers and rams" has insufficient antecedent basis. In response, applicants amended claim 15 to provide antecedent support for the term "rams." With respect to the term "the scoopers," applicants would like to point out that the term has antecedent support in claim 8, from which claim 15 depends.

It is noted with appreciation that claims 18-35 were indicated as being allowed. Applicants also thank the Examiner for indicating that claims 10-13 and 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The original claim 10 was dependent from claim 1. Applicants amended claim 1 by adding all limitation of allowable claim 10, which is now cancelled. Thus, amended claim 1 and its dependent claims 1-9 and 11-17 are allowable.

Claim Rejection Under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1-9 and 14-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Lewis *et al.* (U.S. Patent No. 6,555,062). Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lewis *et al.* as applied to claims 1-9 and 14-15, and further in view of Rivers Jr. *et al.* (U.S. Patent No. 6,443,291).

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These rejections are moot in view of the amendment of claim 1. As discussed above, amended claim 1 contains all limitations of the original claim 10, which was not rejected over Lewis and Rivers.


In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Dated: December 23, 2003

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